

AMENDMENT TO H.R. 2567
OFFERED BY MRS. WILSON OF NEW MEXICO,
MRS. BONO OF CALIFORNIA, AND MR. BASS
OF NEW HAMPSHIRE

Page 2, lines 8 through 20, amend subsection (a) to read as follows:

1 “(a) BITTERING AGENT.—

2 “(1) ENVIRONMENTAL EVALUATION RE-
3 QUIRED.—

4 “(A) IN GENERAL.—Not later than 30
5 days after the date of enactment of this section,
6 the Consumer Product Safety Commission shall
7 commence an evaluation, in cooperation with
8 the Environmental Protection Agency and ap-
9 propriate State health and environmental offi-
10 cials in those States that, as of the date of en-
11 actment of this section, have enacted laws re-
12 quiring a bittering agent in engine coolant or
13 antifreeze, to determine whether there is evi-
14 dence that the use of the bittering agent
15 denatonium benzoate in engine coolant or anti-
16 freeze has an unreasonable adverse effect on
17 the environment.

1 “(B) CERTAIN TESTS PROHIBITED.—The
2 evaluation required under subparagraph (A)
3 may not include any new animal or human test-
4 ing.

5 “(C) REQUIRED DATE OF COMPLETION.—
6 The Commission shall complete the evaluation
7 within 180 days after the date of enactment of
8 this section and publish its findings in the Fed-
9 eral Register.

10 “(2) USE OF BITTERING AGENT.—

11 “(A) GENERAL REQUIREMENT.—Unless
12 the Commission, in its evaluation under para-
13 graph (1), finds there is evidence of an unrea-
14 sonable adverse effect on the environment, any
15 engine coolant or antifreeze that is manufac-
16 tured on or after the date that is 180 days
17 after the date of publication of the Commis-
18 sion’s finding in the Federal Register pursuant
19 to paragraph (1)(C), and that contains more
20 than 10 percent ethylene glycol, shall include
21 not less than 30 parts per million, and not
22 more than 50 parts per million, denatonium
23 benzoate as a bittering agent in order to render
24 the coolant or antifreeze unpalatable.

1 “(B) ALTERNATIVE AGENT.—If the inclu-
2 sion of denatonium benzoate in engine coolant
3 or antifreeze is required under subparagraph
4 (A) and the Commission finds that—

5 “(i) an alternative bittering agent is
6 as effective as denatonium benzoate in ren-
7 dering coolant or antifreeze unpalatable in
8 terms of both its bittering capacity and its
9 compatibility with motor vehicle engine
10 coolant and antifreeze, and

11 “(ii) in cooperation with the Environ-
12 mental Protection Agency, there is no evi-
13 dence that the use of the alternative
14 bittering agent has an unreasonable ad-
15 verse effect on the environment,
16 the Commission may initiate a rulemaking to
17 permit the use of the alternative bittering agent
18 in lieu of denatonium benzoate.

19 “(3) UNREASONABLE ADVERSE EFFECT ON
20 THE ENVIRONMENT DEFINED.—As used in this sub-
21 section, the term ‘unreasonable adverse effect on the
22 environment’ means an unreasonable risk to human
23 health or the environment, taking into account the
24 economic, social, and environmental costs and bene-
25 fits.

1 “(4) FAILURE TO COMPLY.—Any engine coolant
2 or antifreeze that is required to contain a bittering
3 agent under paragraph (2) that is not in compliance
4 with that paragraph shall be considered to be a
5 banned hazardous substance within the meaning of
6 section 2(q) (15 U.S.C. 1261(q)), and shall be sub-
7 ject to the penalties provided for in section 5 (15
8 U.S.C. 1264).”.

Page 2, lines 21 and 22, strike “A manufacturer of
a product subject to this section” and insert the fol-
lowing:

9 “(1) NAME AND ACTIVE INGREDIENT.—A man-
10 ufacturer of an engine coolant or antifreeze that is
11 required to contain a bittering agent under sub-
12 section (a)”.

Page 2, line 23, strike “active ingredients of any”
and insert “any active ingredients of a”.

Page 2, lines 24 and 25, strike “pursuant to this
section. Such information shall be available to the public
upon request” and insert “in compliance with such sub-
section”.

Page 2, after line 25, add the following new para-
graph:

1 “(2) AVAILABILITY TO THE PUBLIC.—Any
2 record maintained under paragraph (1) shall be
3 made available to the public on receipt by the manu-
4 facturer of a request from any person.”.

Page 3, lines 1 through 20, amend subsection (c) to
read as follows:

5 “(c) LIMITATION OF LIABILITY.—

6 “(1) IN GENERAL.—Subject to paragraph (2), a
7 manufacturer, processor, distributor, recycler, or
8 seller of an engine coolant or antifreeze that is re-
9 quired to contain a bittering agent under subsection
10 (a) shall not be liable to a person for any personal
11 injury, death, property damage, damage to the envi-
12 ronment (including natural resources), or economic
13 loss that results from the inclusion in the engine
14 coolant or antifreeze of the bittering agent, provided
15 that the bittering agent is present in concentrations
16 mandated by subsection (a)(2)(A) or permitted pur-
17 suant to a rulemaking under subsection (a)(2)(B).

18 “(2) EXCEPTION.—Paragraph (1) shall not
19 apply in any case in which a cause of liability re-
20 ferred to in that paragraph is unrelated to the inclu-
21 sion in an engine coolant or antifreeze of the
22 bittering agent as required by subsection (a). Noth-
23 ing in this subsection shall be construed to exempt

1 any manufacturer or distributor of denatonium ben-
2 zoate, or an alternative bittering agent the use of
3 which is required or permitted under subsection
4 (a)(2), from any liability related to denatonium ben-
5 zoate or the alternative bittering agent.”.

Page 3, lines 22 and 23, strike “have any authority
either to establish or continue in effect” and insert “es-
tablish or continue to enforce”.

Page 4, line 2, strike “in any way”.

Page 4, line 3, strike “provisions of this chapter”
and insert “requirements of this section”.

Page 4, line 4, strike “The requirements of this”
and insert “This”.

Page 4, line 8 through 10, amend paragraph (2) to
read as follows:

6 “(2) a wholesale container of engine coolant or
7 antifreeze that contains 55 gallons or more of engine
8 coolant or antifreeze.”.